

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE: ROBERT THOMAS**

**CHAPTER 13**

**CASE NO. 24-11775**

*Debtor*

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**TO: THE HONORABLE JUDGE PHILIP BENTLEY U.S.B.J.**

**EXPARTE EMERGENCY MOTION FOR A CONTINUANCE**

Comes Now, Robert Thomas (the “Debtor”), and files this Ex Parte Emergency Motion to Continue at least three (3) days prior to the December 12, 2024, hearing and for good cause shows the court as follows:

After the filing of the Debtor’s October 11, 2024, I the Debtor was notified that as a result of Hurricane Milton one of my family members had passed away another was in critical condition in a hospital and my niece and nephew was missing or trapped in the home. And despite numerous attempts local officials in Asheville, North Carolina , have not been able to reach their location as hurricane has washed down roads, caused landslides and cut power service for millions, towns were destroyed, water and fuel supply lines were disrupted and communication was down due to fallen trees, telephone lines causing cell phone service and electrical power to shut off and mudslides caused hundreds of road closures. Officials in Asheville, North Carolina said repairing the area’s water system could take several weeks if not months.

To make a long story short nothing could have prepared the Debtor for the struggles I and so many others face here in Asheville, North Carolina, if not for veterans from NC and other states many would have died. I have been able to get the U.S. Department of Veterans to help with transporting my family member body for burial in a national cemetery.

With the help of others veterans Debtors has been able after weeks of being here to locate my niece and nephew get my other family member released from the hospital and sent to other states with other family members.

Presently the Debtor like so many in the community here resides in a tent next to their property that is inhabitable due to damages of loss of a roof and water damage. Unfortunately, what keeps me bound here now is the fact that my family members has a remaining mortgage due on the property and if its abandon they will not only have to pay the total balance due on the mortgage, but also taxes and any and all fines taxed by the county for abandoning property thereby creating a hazard condition in the community. In an area deemed a disaster area due to a hurricane FEMA has to declare the property inhabitable.

However although declared a disaster area FEMA did not have a physical present here in Asheville, North Carolina, until the middle of November of 2024 and their on line services only provided a means to apply for emergency assistance in the amount of \$700.00 odd dollars.

Good Cause exist to extend the December 12, 2024, hearing for dismissal due the failure to pay filing fees, on December 11, 2024 and December 12, 2024 FEMA has scheduled a onsite walk through from 9:00 am to 6:00 pm. A FEMA walk-through to determine if a property is completely damaged involves a detailed inspection of the entire home by a FEMA inspector, where they assess the condition of both damaged and undamaged areas, documenting all disaster-caused damage to the structure and taking inventory of damaged and non-damaged essential personal property, to determine if the property is significantly impacted and potentially uninhabitable due to the disaster. FEMA instructs all participants to turn off their phones during the inspection or they will be rescheduled to a future date.

Resolving the Debtor, failure to pay the installment filing fee due by 11/1/2024, second Installment Payment of \$100.00 due by 12/2/2024, was a mere over sight the Debtor does have daily access to the internet or access to clear phone communication. Debtor called the court on December 6, 2024, to pay the filing fee and as was advised that the clerks are not able to accept payment over the phone as a result I have requested a family to send money in the amount of \$200.00 payable to the court clerk.

WHEREFORE, for all the reasons stated above the Debtor respectfully request that the court granted a extension of the December 12, 2024, hearing to January 3, 2025 at which time the debtor will have counsel and the filing fees will

would have been paid.

Respectfully submitted,

/s/ Robert Thomas

Robert Thomas pro, se  
237 Eldridge St  
New York, NY 10003

### **CERTIFICATE OF SERVICE**

The undersigned certifies that on December 9, 2024, a copy of the foregoing document was served EFC- Service System or E-mail and U. S. Mail, postage prepaid upon all counsel of record.

/s/ Robert Thomas

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**ORDER GRANTING CONTINUANCE**

Before the Court is the Ex Parte Emergency Motion filed by Robert Thomas (the “Movant”) requesting continuance of the current hearing scheduled for December 12, 2024, on the Court Motion for Dismissal. The Court finds that good cause has been shown and the Motion should be granted.

ACCORDINGLY, IT IS ORDERED that the hearing on the Motion to Dismiss is continued to the \_\_\_\_\_date and time \_\_\_\_\_.

SIGNED On \_\_\_\_\_.

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Hon. Philip Bentley  
United States Bankruptcy Judge